

WEST VIRGINIA BROADBAND DEPLOYMENT COUNCIL

Wednesday, March 10, 2010 @ 9:00 a.m.

The meeting of the West Virginia Broadband Deployment Council was held in Building 6, Room 6A on Wednesday, March 10, 2010, at 9:00 a.m.

The following members participated:

Sarah Smith
Michael Kelmen
Jimmy Gianato
Kelley Goes
Lee Fisher (via phone)
Dr. Jan Fox (via phone)
Mike Friloux
Tony Sereda (via phone)
Kyle Schafer
Elaine Harris

Additional participants:

Andrea Rayl
Travis Mollohan
Mark Polen
George Hohmann
Dave Armentrout
Vicki Allen
Dave Bach
John Rearbeck
Amber Nary
Sarah Lieu
Jonathan Cauldwell
Brian Helmick
Jim Martin

After a quorum was established, Chair Goes welcomed the Council and called the meeting to order.

Business

Chair Goes asked for the approval of the minutes from the February meeting of the Broadband Deployment Council. The Council approved the minutes with no objection.

Other Business

Chair Goes started the meeting with a position paper from the West Virginia Broadband Coalition that Lee Fisher asked to be brought before the Council. Mike Friloux asked that Jim Martin, author of the paper, appear before the Council to explain the goals of the Coalition. Chair Goes shared with the Council that she has met with Mr. Martin and has offered to meet with the members of the Coalition regarding the award.

Mr. Martin (Citynet) and Brian Helmick, (Spilman Thomas and Battle, PLLC) representing the WV Broadband Coalition, came forward to address the Council. Mr. Helmick started by naming the founding members of the WV Broadband Coalition.

Those members are:

Citynet

Fibernet

Digital Connections

3Wlogic

Woodlawn Communications

Ntelos

Stratuswave

CAS Cable

Digital Soup

Wireless Consulting Services, LLC

The concerns of the WV Broadband Coalition, as outlined in the position paper, are with the implementation of the State's application – open access to the assets that are constructed, pricing made available to competing entities and a construction component. The WV Broadband Coalition also has a concern that future grants may be limited due to the size of the award. Chair Goes asked Mr. Helmick if this concern was based on any comments from the NTIA; Mr. Helmick answered that there were not any comments or substantive basis from the NTIA to this effect, but was rather a common fear among the Coalition members.

Chair Goes stated that the Council is familiar with the concerns, but needed to bring specifics to the table. The State's application is conceptually simple, it took existing state contracts, which provides state entities with broadband and broadband services and instead of doing each entity separately as funding is available, the state would categorize every entity that says they need broadband access and do one single order. The State took the definition of critical access infrastructure defined in the NOFA and told each entity if you need it, this is how we will get it to you. The hopes are that that will push a lot of infrastructure out to remote areas. The State's application is not designed to be an answer to non-state entities. Proposition that infrastructure be available Incumbent providers or new companies to come in and provide last-mile solutions to residents and state businesses to put fiber out into these communities takes argument away from incumbents that it is too expensive. Chair Goes stated that we are at point where we do want to hear from everyone, get down to absolute details. Right now we are in process of gathering information from state entities, to see if situations have changed in order to get an assessment to begin looking at engineering. The Broadband Deployment council is eager to hear from all involved to achieve the ultimate goal of having the entire state wired.

Lee Fisher reiterated an ongoing concern about open access to last-mile solutions, and a concern that competitiveness will be priced out. Chair Goes answered that the state is cognizant of this concern and that access has been built into the existing contract. Mr. Fisher asked whether in the long-run if the contract allow a vendor to either not provide access or force people to pay it at their rate. Mr. Gianato stated that most vendors had reached a settlement agreement at the PSC with Verizon and access to their network, as for pricing, that is also addressed at the PSC. Mr. Fisher stated that he would like to hear from Verizon and Frontier on their position on open access and how they will price access to spur competition.

Mr. Friloux would like the state to engage Verizon to say that we are building this so that is useful to other people. Chair Goes assured him that this has already been done, process has been started. Mr. Friloux replied that it would be helpful to know the details so that the concerns can be alleviated. Chair Goes stated that the State has instructed Verizon to construct so that they maximize infrastructure to the community.

Chair Goes stated that deployment can begin in the areas they need to look at the areas where there is 100 percent agreement and then begin to work on the other areas.

Mr. Friloux asked who the lead is on the State project. Chair Goes stated that she was the lead, as well as Colonel Tedorovich who is the Project Manager, Danny Scalise is the ARRA Rep in the Governor's Office, Cindy Smith administers the distribution of the funding and Jimmy Gianato handles the interoperability and radio communications aspect. Chair Goes went on to say that they meet almost daily to make sure that everything is still on track.

Public Comment

There was no public comment.

Adjournment

The next meeting will be noticed for May 19, 2010, at 9:00 a.m. The meeting location, call-in number and agenda will be provided prior to the meeting.

With no other business, the meeting adjourned at 10:23 a.m.